

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

This matter is before the Court on defendant Gregory Bartunek's ("Bartunek") (1) Motion to Reconsider (Filing No. 52) this Court's February 28, 2017, "ruling not to release the defendant before trial" and (2) belated Motion for Additional Time to Respond to that ruling (Filing No. 59). Following a hearing on April 11, 2017, the Court upheld that ruling, denied Bartunek's Motion to Re-open Detention Hearing (Filing No. 38), and denied Bartunek's oral motion to be released.

On April 24, 2017, Bartunek filed a Notice of Appeal (Filing No. 55) challenging the Court's April 11, 2017, decision to uphold his detention. Bartunek's interlocutory appeal of the Court's detention decision divested the Court "of jurisdiction over aspects of the case that are the subject of the appeal." *United States v. Queen*, 433 F.3d 1076, 1077 (8th Cir. 2006) (per curiam). In light of Bartunek's pending appeal, the Court denies his Motion to Reconsider (Filing No. 52) and Motion for Additional Time to Respond (Filing No. 59). *See* Fed. R. Crim. P. 37(a)(2).

IT IS SO ORDERED.

Dated this 25th day of April, 2017.

BY THE COURT:

s/ Robert F. Rossiter, Jr.
United States District Judge